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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,045	09/24/2003	James R. Hawkinson	165.001US01	5025

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/670,045	Applicant(s) HAWKINSON ET AL.	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5971444, Hawkins in view of US patent 5295760, Rowe.

In regards to claim 1, Hawkins discloses a tank fitting comprising:

a coupling (12) comprising:

a flange (20) disposed between a first end and a second end of the coupling;

external threads (26) disposed between the flange and the first end; and

a male-end region (22) adjacent the second end adapted (capable of) to be received within a fitting or a pipe for bonding thereto;

a gasket (16, 18) disposed on the coupling between the flange and the first end of the coupling so as to abut the flange; and

a nut (14) threadably attachable to the external threads of the coupling.

Hawkins does not disclose an alignment rib on the coupling between the flange and second end, wherein the alignment rib is not directly connected to the flange. Rowe teaches an alignment rib (30) on the coupling between the flange and second end to wedge or guide the coupling into the center of a properly sized hole through a wall (col.

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4, lines 8-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an alignment rib on the coupling between the flange and second end to wedge or guide the coupling into the center of a properly sized hole through a wall, as taught by Rowe.

In regards to claim 3, Hawkins discloses the coupling being a male/female coupling or a male/male coupling.

In regards to claim 4, Hawkins discloses the coupling further comprising a female-end region adjacent the first end.

In regards to claim 5, Hawkins discloses the female-end region comprising first and second sockets respectively having different internal diameters.

In regards to claim 6, Hawkins discloses the coupling further comprising a stepped internal bore having first, second, and third diameters.

In regards to claim 7, Hawkins discloses the first and second diameters respectively defining first and second sockets of a female-end region adjacent the first end and the third diameter is an internal diameter of a male-end region adjacent the second end.

In regards to claim 8, Hawkins discloses the nut further comprising an annular groove (30).

Claims 2 and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view Rowe, in further view of US patent 2554622, Jones.

In regards to claim 2, Hawkins discloses the claimed invention except for the gasket having a hole and wherein the flange has a stud, the stud passing completely through the hole of the gasket. In Figure 5, Jones teaches a gasket (71) having a hole and wherein a flange (73) has a stud (74), the stud passing completely through the hole of the gasket to prevent the rotation of the gasket (col. 5, lines 31-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a gasket with a hole and wherein a flange has a stud, the stud passing completely through the hole of the gasket to prevent the rotation of the gasket, as taught by Jones.

In regards to claims 14-27, Hawkins in view of Rowe, in further view of Jones disclose the claimed invention except for a method of attaching a tank fitting to a tank and a method of connecting a pipe fitting, wherein there is no sealing material between the nut and the exterior surface of the tank. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a method of attaching a tank fitting to a tank and a method of connecting a pipe fitting, wherein there is no sealing material between the nut and the exterior surface of the tank, since the omission of an element and its function in a combination, where the remaining elements perform the same functions as before, involves only routine skill in the art. In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975); In re Karlson, 311 F.2d 581, 136 USPQ 184 (CCPA 1963).

Allowable Subject Matter

Claims 10-13 are allowed.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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